

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JERRY SHON STEWART,	:
Petitioner,	:
v.	: Civil Action No. 05-449J
RAYMOND SOBINA, SUPERINTENDENT	:
Respondent	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On February 24, 2006, the Magistrate Judge filed a Report and Recommendation, docket no. 5, recommending that the matter be transferred to the United States District Court for the Middle District of Pennsylvania.

The petitioner was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. No objections have been filed, and the time to do so has expired.

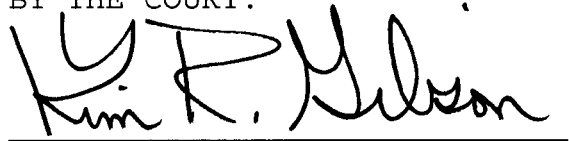
Considering the absence of timely objections as a waiver of objections to the Report and Recommendation, and upon review of the record, the following order is entered:

AND NOW, this 17th day of March, 2006, it is

ORDERED that, pursuant to 28 U.S.C. § 1404(a), the Clerk shall forthwith transfer this matter to the United States District Court for the Middle District of Pennsylvania for all further proceedings, including ruling on petitioner's motions for appointment of counsel and for leave to proceed in forma pauperis.

BY THE COURT:

March 17, 2006

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a horizontal line underneath.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

cc:

Jerry Shon Stewart FQ-2229
S.C.I. Retreat
660 State Route 11
Hunlock Creek, PA 18621-3136